

DESE
MASWM Meeting Report
March 31 to April 2, 2008
By
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This report is provided to the MASWM Board of Directors and General Membership of the Association on relevant issues and activities of the Extended Employment Sheltered Workshop Sections of the Missouri Department of Education. Key topics and activities are as follows:

FY-08 Budget:

Supplemental Appropriations for the completion of this current fiscal year at the new per diem rate (\$75 per person per 30-hour workweek, Mon. through Fri., and \$15 for Sat. and Sun. 6-hours workday) was reduced from \$2.5 million to \$1.5 million because it was projected that it would not be needed. This year's severe ice and snow storms affected the average attendance. It was both prudent and appropriate not to request above and beyond what was truly needed. As of the writing of this report, the House Budget Committee had not yet voted on approval of the supplemental appropriation. Based on current trends and projections, if the appropriation is passed, it is estimated that we will be able to complete the fiscal year without a shortfall, pay the estimated June payment (as we have in the past) and return just under one half percent (0.005) back to general revenues. If the "supplemental" appropriation is not passed, there will be an approximate 3 week shortfall.

FY-09 Budget has been submitted with the additional \$5.4 million to reflect the \$85 per work week (or \$17 per diem) subsidy change effective July 1, 2008. Since this increase is part of the entire Department and State budget, it will be decided by the legislature near the end of the session. At this point there has been only support for the increase. Please refer to the Association's Legislative Committee report for more details.

US Department of Labor-Wage and Hour Division:

You are reminded that all "Commensurate Wage Certificates" (that allows you to pay below minimum wage—commensurate with a person's ability) will expire in 2008. **Be sure to check the expiration date on the current certificate and file for a new renewal.** Should you fail to file the renewal on a "timely" basis, you may be liable to pay minimum wages for all your employees; we highly recommend that you send in your renewal application via "Certified Mail—Return Receipt Requested"

All Workshops should have completed a "Prevailing Wage Survey" as required by DOL since there was a change in the State Minimum wage. All Workshops whose Prevailing Wage Surveys indicated an increase, you must pay that difference, in piece or hourly rate, back to January 1, 2008. Finally, it is likely that, if you turn in a renewal application for your Commensurate Wage Certificate without a recent (2008) Prevailing Wage Survey, that you may be audited and be liable for back wages.

Training:

We are still working to prepare for and conduct Safety Training from May to August in cooperation with SWIM, MRS and MASWM. More details will be provided at the meeting. This is a unique opportunity to meet regulatory requirements as well as to increase safety practices; so please make all efforts to send representatives from your Workshop to this important training opportunity.

Manager training will be provided on Monday March 31, 2008. This training is designed for the new Manager or any one needing a “refresher.”

Operating Manuals:

The DESE staff was hoping to complete the much overdue revisions to the Operating Manual in time to be distributed at this meeting. As you can imagine, this was no small task. Basically, the manual has been updated, trisected, expanded and reduced. Some of the changes include: The history, purpose, vision, legislation, regulations, guidelines, and other related regulatory agencies requirements will make up the main body of the manual. The section detailing the “establishment” procedures have been separated from the main body of the text and will be distributed to those groups who wish to start a new Workshop. Outdated standards have been removed and directions provided to new reference material locations. Safety regulations, principles and requirements have been separated into its own manual. We have made an electronic record of the manual in order to make any future revisions, changes and additions and deletions easier to execute.

This major undertaking is lacking the final review of various entities within the Department before its distribution in the field. In all likelihood, this will not happen in time for this meeting. Once final approval is obtained, we will print and distribute **one (1)** “hard” copy; every Workshop will be able to make additional copies electronically.

Other:

All managers are reminded that DESE is required to be notified, in writing, of any notification of non-compliance from any other local, state, or federal agency within **five working days** from such notice.

An update to the status of web-based payment system will be provided. Further, a discussion will take place regarding the possible re-submittal of monthly attendance sheets that accurately substantiates the monthly state aid requests.

As a reminder, the time that an employee takes for lunch (whether paid or unpaid) is NOT considered as “productive work” for the purpose of requesting and receiving state aid.

Conduct regular review of your employee list for accuracy against the DESE listing of “certified employees”. If the employee is not on the “WORKING” status you CANNOT request state aid...if the employee is nowhere on the listing (as Working, Terminated or Waiting), you need to presume that he/she is NOT certified and you need to contact your Certification Specialist or Lindsay.

With regard to certified employees, you must have proper documentation to satisfy the US-DOL Wage & Hour Department as to a diagnosis of disability. Merely having the Certification Specialist acceptance will not meet the DOL requirement.